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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,577	04/22/1999	RICHARD ARTHUR HALAVAIS		7340

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THOMAS M. COESTER, ESQ.
BLAKELY, SOKOLOFF, TAYOR & ZAFMAN
12400 WILSHIRE BOULEVARD - SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/295,577

Applicant(s)

HALAVAIS ET AL.

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 11, 16, 17 and 24-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 11, 16, 17 and 24-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to BPAI Decision

1. In the decision by the Board of Patent Appeals and Interferences mailed 9/19/05, the rejections of claim 29 was reversed. The rejections of all remaining claims were affirmed as a New Grounds of Rejection under 27 CFR 41.50(b). The reason for the reversal of claim 29 was, in substance, that Huegel does not teach accepting payment information at the server 39 (see for example page 20 of BPAI decision). The Examiner, however, has specific knowledge of a particular reference which demonstrates such obviousness. Therefore, under 37 CFR 1.198, prosecution is hereby reopened (see MPEP 1214.04). The new grounds of rejection are detailed below.

Response to Amendment

2. In the amendment filed 11/21/05, the following has occurred: claim 5 has been canceled and claims 1-4, 24-25, 30-31, and 34 have been amended. Now, claims 1-4, 6, 11, 16-17, and 24-34 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 11, 16, 17, 24, 26, 27, 30-31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huegel, U.S. Patent No. 5,239,480.

5. As per claim 1, Huegel teaches a method comprising: a) communicating on demand, from an information server through a wide area network to a device connected to the wide area

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network information from a database populated by a multiplicity of entries denoting availability for a venue (see column 6, lines 10-19); b) displaying the information such that an end user connected to the wide area network can view the information on a client node unaffiliated with the server as an aid in determining a specific individual seat conforming to a need of the end user (see column 6, lines 56-62 and figure 3A); c) providing over the wide area network to the end-user the capability of interactively selecting the specific individual seat (see column 7, lines 3-15; column 7, lines 38-42, column 8, lines 9-20, and figure 3A); d) accepting over the wide area network from the end user a payment for the seat (see column 9, line 50 – column 10, line 15 and figure 3B); and e) returning over the wide area network to the end user verification of the successful completion of the payment (see column 9, line 50 – column 10, line 15 and figure 3B).

6. The Examiner acknowledges that the self-service terminal of Huegel is not “a client node unaffiliated with the server.” However, the Examiner takes Official Notice and asserts that it is well known in the art to provide the same services of a self-service terminal on an unaffiliated computer connected to a network to an end user (checking the balance of a savings account via an on-line banking web site instead of at an automated teller machine). It would have been obvious to one of ordinary skill in the art of online commerce transactions at the time the invention was made to incorporate this well-known teaching into the invention of Huegel. One of ordinary skill in the art of would have been motivated to enhance the invention of Huegel in such a manner so as not to limit end users to the locality of the self-service terminal.

7. As per claim 2, Heugel teaches the method of claim 1 as described above. Huegel further teaches that the seat sought is for a theatre or theatre type setting (see figure 1 and figure 3A).

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8. As per claim 3, Huegel teaches the method of claim 1 as described above. Huegel further discloses that the seat sought is for a stadium type setting (see figure 1 and figure 3A).

9. As per claim 4, Huegel teaches the method of claim 1 as described above. Huegel teaches a self-service ticket selection method as described above. Huegel does not explicitly teach that the seat sought is for an airplane or airliner. The Examiner takes Official Notice and asserts that it is well known to use ticket reservation systems to reserve airline tickets. It would have been obvious to one of ordinary skill in the art of reservation systems at the time the invention was made to incorporate this well-known teaching into the invention of Huegel. One of ordinary skill in the art would have been motivated to modify the invention of Huegel in such a way to provide the end user with greater functionality and purchasing capabilities.

10. As per claim 6, Huegel teaches the method of claim 1 as described above wherein a communication connection between the information server and the end user includes one of a wire, a cable, and a telephone line connection (see figure 1).

11. As per claim 11, Huegel teaches the method of claim 1 as described above. Huegel does not explicitly teach that a communication connection between the information server and the end user includes a satellite link. The Examiner takes Official Notice and asserts that it is well known to transmit data via satellite means rather than hardwired means. It would have been obvious to one of ordinary skill in the art of reservation systems at the time the invention was made to modify the invention of Huegel in such a way so as not to limit the end user to the locality of the self-service terminal.

12. As per claim 16, Huegel teaches the method of claim 2 as described above. Huegel does not explicitly teach that a communication connection between the information server and the end user includes a wireless link. The Examiner takes Official Notice and asserts that it is well known to transmit data via wireless means rather than hardwired means. It would have been

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obvious to one of ordinary skill in the art of reservation systems at the time the invention was made to modify the invention of Huegel in such a way so as not to limit the end user to the locality of the self-service terminal.

13. As per claim 24, Huegel teaches a method comprising: receiving at a server a request for a venue from at least one client node remote from and unaffiliated with the server (see column 6, lines 10-19); transmitting from the server an indication of specific availability corresponding to one or more specific individual seats in the venue responsive to the request, the indication of specific availability directed to the client node (see column 8, lines 9-20); receiving at the server a specific indication of a client preference identifying a particular individual seat for purchase (see column 9, lines 34-49); and removing the client preference from any future indication of specific availability (see column 9, lines 34-49).

14. The Examiner acknowledges that the self-service terminal of Huegel is not “a client node unaffiliated with the server.” However, the Examiner takes Official Notice and asserts that it is well known in the art to provide the same services of a self-service terminal on an unaffiliated computer connected to a network to an end user (checking the balance of a savings account via an on-line banking web site instead of at an automated teller machine). It would have been obvious to one of ordinary skill in the art of online commerce transactions at the time the invention was made to incorporate this well-known teaching into the invention of Huegel. One of ordinary skill in the art of would have been motivated to enhance the invention of Huegel in such a manner so as not to limit end users to the locality of the self-service terminal.

15. As per claim 26, Huegel teaches the method of claim 24 as described above. Huegel further teaches that the indication of specific availability includes a graphical representation of at least a portion of a seating chart for the venue, and wherein the graphical representation shows

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availability seats in a first representation and previously sold seats in a second representation (see figure 4).

16. As per claim 27, Huegel teaches the method of claim 24 as described above. Huegel does not explicitly teach that the indication of specific availability is transmitted as one of a hypertext markup language page and a JAVA applet. The Examiner takes Official Notice and asserts that it is well known to transfer and present data to an end user using a hypertext markup language page and a JAVA applet. It would have been obvious to one of ordinary skill in the art of reservation systems at the time the invention was made to incorporate this well-known teaching into the invention of Huegel. One of ordinary skill in the art would have been motivated to modify the invention of Huegel as such to provide the end user with data on a commonly utilized medium.

17. As per claim 30, Huegel teaches a method comprising: requesting information about a venue across a wide area network from a client node to be supplied by a server node (see column 7, lines 3-15); receiving an indication of available individual seats in the venue for purchase at the client node (see column 8, lines 9-20); selecting from the individual seats a specific seat for purchase (see column 9, lines 23-33); and receiving an indication that the specific seat has been reserved through the server node (see column 9, lines 18-22).

18. The Examiner acknowledges that the self-service terminal of Huegel is not "a client node unaffiliated with the server." However, the Examiner takes Official Notice and asserts that it is well known in the art to provide the same services of a self-service terminal on an unaffiliated computer connected to a network to an end user (checking the balance of a savings account via an on-line banking web site instead of at an automated teller machine). It would have been obvious to one of ordinary skill in the art of online commerce transactions at the time the invention was made to incorporate this well-known teaching into the invention of Huegel. One

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of ordinary skill in the art of would have been motivated to enhance the invention of Huegel in such a manner so as not to limit end users to the locality of the self-service terminal.

19. As per claim 31, Huegel teaches the method of claim 30 as described above. Huegel further teaches that the indication of available individual seats includes a graphical representation of at least a portion of a seating chart for the venue, and wherein the graphical representation shows available seats in a first representation and previously sold seats in a second representation (see figure 4).

20. As per claim 34, Huegel teaches the method of claim 30 as described above. Huegel further teaches that the method comprises: supplying payment information for the specific seat (see column 9, line 50 – column 10, line 10); and receiving an electronic receipt sufficient to permit access to the seat (see figure 5, printing of receipt).

21. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huegel, U.S. Patent No. 5,239,480 in view of Merrill et al., U.S. Patent No. 5,333,257.

22. As per claim 25, Huegel teaches the method of claim 24 as described above. Huegel does not explicitly teach retrieving from a database an image showing a view form a seat indicated by the client preference; and transmitting the image to the client. Merrill et al. teach a method for displaying selected assembly-facility seating views that comprises the steps of: retrieving from a database an image showing a view form a seat indicated by the client preference (see column 2, line 63 – column 3, line 19); and transmitting the image to the client (see column 3, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Merrill et al. into the invention of Huegel. One of ordinary skill in the art would have been motivated to make such an

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enhancement to the invention of Huegel for the purpose of providing additional relevant data to the end user when the end user is deciding whether or not to buy the tickets.

23. Claims 28, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huegel, U.S. Patent No. 5,239,480 and Merrill et al., U.S. Patent No. 5,333,257 and further in view of Bricklin, U.S. Patent No. 5,621,430.

24. As per claim 28, Huegel teaches the method of claim 26 as described above. Huegel does not explicitly teach linking the representation of a seat to an image of a view from that seat. Merrill et al. teach a system for displaying selected assembly-facility seating views (see column 2, line 63 – column 3, line 25). Bricklin teaches linking a representation of a seat to more detailed information about that seat (see column 16, line 51 – column 17, line 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Merrill et al. and Bricklin into the invention of Huegel. One of ordinary skill in the art would have been motivated to make such an enhancement to the invention of Huegel for the purpose of providing additional relevant data to the end user when the end user is deciding whether or not to buy the tickets.

25. As per claim 32, Huegel teaches the method of claim 31 as described above. Huegel does not explicitly teach that selecting comprises clicking on a desired seat. Bricklin teaches a selection process that comprises clicking on a desired seat (see column 16, line 51 – column 17, line 4, and figure 12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bricklin into the invention of Huegel. One of ordinary skill in the art would have been motivated to make such an enhancement to the invention of Huegel for the purpose of providing additional relevant data to the end user when the end user is deciding whether or not to buy the tickets.

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26. As per claim 33, Huegel, Merrill et al., and Bricklin teach the method of claim 32 as described above. Huegel does not explicitly teach receiving an image of a view from the desired seat responsive to the clicking. Merrill et al. teach the step of receiving an image of a view from the desired seat (see column 2, line 63 – column 3, line 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Merrill et al. into the invention of Huegel. One of ordinary skill in the art would have been motivated to make such an enhancement to the invention of Huegel for the purpose of providing additional relevant data to the end user when the end user is deciding whether or not to by the tickets.

27. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huegel, U.S. Patent No. 5,239,480 in view of Keller et al., U.S. Patent No. 6,304,850.

28. As per claim 29, Huegel teaches the method of claim 24 as described above. Huegel further teaches that the method comprises: conducting an electronic payment transaction (see column 9, line 50 – column 10, line 15); and providing an electronic receipt (see figure 5, printing of tickets). Huegel does not explicitly teach accepting payment information at the server sufficient to permit access to the specific client preference. Keller teaches accepting payment information at a booking server sufficient to permit access to a specific client preference (see column 5, lines 56-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this functionality into the server of Huegel. One of ordinary skill in the art would have been motivated to incorporate this functionality for the purpose of accommodating user preferences in the system architecture of the reservation system of Huegel as made available through Internet applications not available at the time of the filing of Huegel.

Response to Arguments

29. In the remarks filed 11/21/05, Applicant argues in substance that the claims have been amended to indicate that a specific seat can be selected which overcome the Board's decision that selection of a generalized seating area was sufficient to meet the previous claim language.

30. In response to Applicant's argument, the Examiner agrees that the Board decision indicated that selection of a generalized seating area was sufficient to meet the previous claim language because the previously recited claims only indicated selection "one of a time, a space, and a seat of choice." However, it is respectfully submitted that the Board decision also indicated that Huegel describes an interactive method in which a buyer is presented with a particular seat which the buyer can either select or decline (see page 10 of BAPI decision). Furthermore, the Board decision indicated that "if the buyer goes through several seat offerings before selecting an offered seat, the buyer has selected a seat of choice (see page 11 of BAPI). Therefore, the Examiner respectfully submits that the interactive seat selection method as described by Huegel is a form of selecting a specific individual seat as now recited in the claims as amended.

31. In addition, the Examiner respectfully notes the new grounds of rejection, in view of Keller, as detailed above to address claim 29.


Conclusion


32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

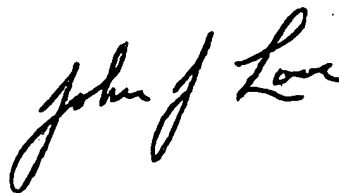
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33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CLG
1/20/06


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER



JOHN J. LOVE
DIRECTOR
TECHNOLOGY CENTER 3600